

DOCKET NO: 248481US8

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
HIROYUKI ATARASHI, ET AL. : EXAMINER: ASLAN ETTEHADIEH
SERIAL NO: 10/771,549 :
FILED: FEBRUARY 5, 2004 : GROUP ART UNIT: 2611
FOR: MOBILE STATION, BASE :
STATION, AND PROGRAM FOR
AND METHOD OF WIRELESS
TRANSMISSION

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Official Action dated May 7, 2007, Applicants provisionally elect, with traverse, Group I, Claims 1-12 and 20-31 for further examination on the merits in the present application.

Applicants respectfully traverse the Restriction requirement.

In particular, MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area.¹

¹To do justice to the identified groups of claims, it is respectfully submitted that it would be necessary to search in both classes and subclasses identified in paragraph 1 at page 2 of the outstanding Official Action.

Accordingly, Applicants respectfully traverse the outstanding Restriction requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Respectfully submitted,

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